

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3213**
Kikukatsu ITO : Docket No. 2001-1838A
Serial No. 10/009,962 : Group Art Unit Not Yet Assigned
Filed January 23, 2002 : Examiner Not Yet Assigned

**PLANT THERMOGENIC GENES
AND PROTEINS** :

RESPONSE

Assistant Commissioner for Patents,
Washington, D.C. 20231

Sir:

Responsive to the Notice dated February 13, 2002, there is submitted herewith, in a separate Preliminary Amendment, a paper copy of a Sequence Listing for the above-identified application which has been prepared in accordance with the sequence rules under 37 CFR 1.821-1.825. The Sequence Listing contains the identical sequences appearing in the original application papers. Thus, no new matter has been added.

There is also submitted herewith a copy of the Sequence Listing in computer readable form as required by 37 CFR 1.821(e). The content of the paper and computer readable copies are the same.

A copy of the Notice is also attached as required.

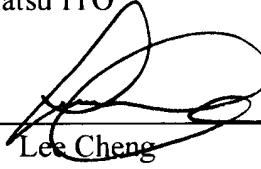
Applicant notes that the Notification of Missing Requirements also indicated that an executed Oath and Declaration of the Inventors needs to be submitted. Applicant wishes to note

that an executed Oath and Declaration was submitted on January 23, 2002. A copy of the submitted executed Declaration is attached herewith along with the cover letter (indicating the filing of the executed Declaration). Applicant respectfully requests that the Patent Office review the application papers to ensure that the executed Declaration is present in the file.

In view of the foregoing, it is believed that each requirement set forth in the Notice has been satisfied, and that the application is now in compliance with the sequence rules under 37 CFR 1.821-1.825. Accordingly, favorable examination on the merits is respectfully requested.

Respectfully submitted,

Kikukatsu ITO

By: 

Lee Cheng

Registration No. 40,949

Attorney for Applicant

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Washington, D.C. 20006-1021
Telephone (202) 721-8200
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May 13, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Kikukatsu ITO

Serial No. 10/009,962

Filed December 14, 2001

PLANT THERMOGENIC GENES AND PROTEINS

PATENT OFFICE FEE TRANSMITTAL FORM

Assistant Commissioner for Patents,
Washington, DC 20231

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

Attached hereto is a check in the amount of \$130.00 to cover Patent Office fees relating to filing the following attached papers:

1st a/c filing of executed Declaration \$130.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Kikukatsu ITO

By Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicant

WMC/lgs
WENDEROTH, LIND & PONACK, L.L.P.
2033 K St., N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
January 23, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Kikukatsu ITO :
Serial No. 10/009,962 : Attn: **BOX MISSING PARTS**
Filed December 14, 2001 : Docket No. 2001_1838A

PLANT THERMOGENIC GENES
AND PROTEINS

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Assistant Commissioner for Patents,
Washington, DC 20231

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

Enclosed herewith is an executed Declaration for the above-identified application which was originally filed without an executed Declaration.

The Declaration identifies the application by the Title, name of the inventor, and filing date of the application.

Accordingly, it is submitted that the present application now complies with the requirements of 37 CFR 1.53(d). Enclosed herewith is the \$130.00 surcharge required by 37 CFR 1.16(e).

Early issuance of a filing receipt is therefore requested.

Respectfully submitted,

Kikukatsu ITO

By:

Warren Cheek
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Attorney for Applicant

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January 23, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

Corporation of the Patent Office, Box 53-1
United States Patent and Trademark Office
Washington, D.C. 20591-0001
Telephone 202-707-3000

U.S. APPLICATION NUMBER NO	FIRST NAMED APPLICANT	ATTY. DOCKET NO
10/009,962	Kikukatsu Ito	2001_1838A
INTERNATIONAL APPLICATION NO		PCT/JP00/03806
IA FILING DATE		PRIORITY DATE
06/12/2000		06/14/1999
CONFIRMATION NO. 3213 371 FORMALITIES LETTER  *OC00000007468003*		

Date Mailed: 02/13/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration

RECEIVED

MAR 22 2002

WENDEROTH, LIND & PONACK

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
 - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO	INTERNATIONAL APPLICATION NO	ATTY DOCKET NO
10/009,962	PCT/JP00/03806	2001_1838A